

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

JERRY LEVI REITMIRE

Petitioner,

v.

CIVIL ACTION NO. 3:04-1350

STATE OF WEST VIRGINIA, ex rel.,
STATE OF FLORIDA,

Respondents.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Petitioner Jerry Levi Reitmire's objections to the Magistrate Judge's Findings and Recommendation, which recommend denying his petition for habeas corpus without prejudice for failing to exhaust available state remedies. From Petitioner's filings, it appears that he is being held in West Virginia while awaiting extradition to Florida and that he has filed numerous motions regarding his detention and extradition in the Mason County Circuit Court and the West Virginia Supreme Court. Petitioner states in his objections that these motions have not been ruled upon. As indicated by the Magistrate Judge, before a petitioner can bring a habeas corpus action in federal court challenging extradition in state court, the petitioner must exhaust his state remedies. *Tickle v. Summers*, 270 F.2d 848, 850 (4th Cir. 1959). Thus, as Petitioner clearly has not exhausted his available state remedies, the Court **ACCEPTS AND ADOPTS** the Findings and Recommendation of the Magistrate Judge and **DISMISS** Petitioner's action without prejudice.

The Court **DIRECTS** the Clerk to send a copy of this written Opinion and Order to Magistrate Judge Taylor, counsel of record, and any unrepresented parties.

ENTER: June 16, 2005

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE